



**Western Cape
Government**

Education

Directorate: Policy Coordination

**WESTERN CAPE EDUCATION DEPARTMENT POLICY ON THE VETTING OF PERSONS COMING
INTO CONTACT WITH LEARNERS OR OFFICIALS AT A PUBLIC SCHOOL ON ITS PREMISES OR AT A
SCHOOL ACTIVITY**

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1. Definitions

In this policy, any word or expression to which a meaning has been assigned bears the same meaning assigned to it, and unless the context indicates otherwise:

“National Child Protection Register” means a record of all the reports of abuse or deliberate neglect of a child, all convictions of all persons on charges involving the abuse or deliberate neglect of a child and all findings by a children's court that a child is in need of care and protection because of the abuse and deliberate neglect of the child as well as a record of persons who are unsuitable to work with children;

“National Register for Sex Offenders” means a database containing the details of persons who have been convicted of any sexual offence against a child or mentally disabled person;

“non-governmental organisation” means a nonprofit organisation which is organised on a provincial, national or international level that operates independent of government, whose purpose is to provide capacity, skills or resources to a public school for the purposes of improving the delivery of education in the province;

“nonprofit organisation” means a trust, company or other association of persons—
(a) established for a public purpose; and

(b) the income and property of which are not distributable to its members or office-bearers except as compensation for services rendered;

“organisation” means an organised group of people with a particular purpose, such as a business or government department;

“public school premises” means a building, structure, hall, room, office, convenience, land, enclosure, which is under the control of the governing body of a public school, to which a member of the public has access, or is usually admitted, or to which he or she may be admitted;

“school activity” means any official educational, cultural, recreational or social activity of the school within or outside the school premises;

“unsuitable person” means a person who is the subject of arrest, charge or conviction of an offence as contemplated in this policy;

“vetting” means the process of performing a background check on a person by the relevant organisation, Head of Department, principal, governing body or other relevant authority, as the case may be, before offering him or her employment or permission to come into contact with the learners and/or officials at a public school.

2. Legislative framework

2.1 The legislative framework for this policy is:

- (a) Children’s Act, 2005 (Act 38 of 2005);
- (b) Constitution of the Republic of South Africa, 1996;
- (c) Criminal Procedure Act, 1977 (Act 51 of 1977);
- (d) Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007);
- (e) Employment of Educators Act, 1998 (Act 76 of 1998);
- (f) Nonprofit Organisations Act, 1997 (Act 71 of 1997);
- (g) South African Council for Educators Act, 2000 (Act 31 of 2000);
- (h) South African Schools Act, 1996 (Act 84 of 1996);
- (i) Trespass Act, 1959 (Act 6 of 1959);
- (j) Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

3. Purpose

The purpose of this policy is to—

- (a) protect learners at public schools from falling victim to sexual offenders or persons not fit to work with children as declared under the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), or any relevant law or policy.
- (b) prevent unauthorised persons from gaining access to public schools.

- (c) put preventative measures in place to deny unsuitable persons access to learners and officials at public schools or school activities.

4. Scope

This policy is applicable to all persons, employed by organisations, visiting or accessing learners and/or officials at public schools for the purposes of educational programmes, projects or extracurricular activities.

5. Vetting of persons visiting public schools

- 5.1 The organisation to which a person visiting a school belongs to or is affiliated with must ensure that any person who visits a public school has been vetted to interact with the learners and/or officials at the public school.
- 5.2 The organisation referred to in paragraph 5.1, or such person in his/her personal capacity, must access:
 - (a) the National Register for Sex Offenders by applying for a clearance certificate from the Department of Justice and Constitutional Development; and
 - (b) the National Child Protection Register by applying for a clearance certificate from the Department of Social Developmentduring the recruitment of such person if they are intended to work or come into contact with children or mentally disabled people, which clearance certificates shall serve as proof that such person is not listed in the aforementioned registers.
- 5.3 The public school must keep an updated register/record of all persons who have obtained clearance from their respective organisations.
- 5.4 All visitors to the school must provide proof of identity and will be expected to sign in on arrival and sign out when leaving. They will be expected to wear an official visitor's badge and may be supervised at all times when around learners, depending on the relevant circumstances.
- 5.5 Persons visiting schools to attend meetings or school activities or to deliver goods or carry out maintenance tasks, such as parents or members of the public or companies, do not routinely need to be vetted before being allowed onto school premises or a venue where a school activity is taking place. However, such visitors must be managed by an official of the public school and their access to areas and movement within the school or the venue where a school activity is taking place should be restricted as needs require. They should be (as required):
 - (a) met/directed by a school official/representative;
 - (b) signed in and out of the school by the school's officials;
 - (c) if appropriate, be given restricted access to only specific areas of the school;
 - (d) where possible, they should be escorted around the school premises by a designated official;

- (e) if left unattended, they should be clearly identified with visitor's badges/contractor passes and their access to learners restricted in terms of the purpose of their visit;
- (f) if delivering goods or carrying out building, maintenance or repair tasks, their work area should be cordoned off from learners for health and safety reasons.

5.6 Persons or representatives of organisations who have obtained clearance on a previous occasion, as shown in records of previous vetting checks retained, need not be vetted again unless the period of clearance has exceeded two years.

6. Access to public school premises

6.1 The Head of Department, principal, governing body or a nominated/designated official of a public school may and for such timeframes as may be necessary—

- (a) take such steps as he or she may consider necessary for the safeguarding of the public school premises, as well as for the protection of the learners and officials at the public school; and
- (b) direct that the public school may only be entered in accordance with the provisions of subparagraph 6.2 below.

6.2 No person shall, without the permission of the Head of Department, principal, governing body or a nominated/designated official of a public school, enter into any public school premises in respect of which a direction has been issued under subparagraph 6.1 (a), and for the purpose of the granting of that permission the Head of Department, principal, governing body or a nominated/designated official may require of the person concerned to—

- (a) furnish his or her name, address and any other relevant information required by the Head of Department, principal, governing body or a nominated/designated official;
- (b) produce proof of his or her identity to the satisfaction of the Head of Department, principal, governing body or a nominated/designated official, where necessary.

7. Persons who have committed sexual offences

A person who has been convicted of the commission of a sexual offence or is alleged to have committed a sexual offence, whether committed in or outside the Republic of South Africa, and whose particulars have been included in the National Register for Sex Offenders and the National Child Protection Register, may not—

- (a) be employed to work with learners in any circumstances;
- (b) come into contact with learners and officials at public schools.

8. Circumstances under which a person is found unsuitable to work with children

A person is unsuitable to work with children if he or she is convicted of one or more of the following crimes:

- (a) Murder
- (b) Attempted murder
- (c) Rape
- (d) Indecent assault
- (e) Assault
- (f) Assault with the intent to do grievous bodily harm
- (g) Compelled sexual assault
- (h) Compelled self-sexual assault
- (i) Any other related offence.

9. General

- 9.1 All public schools must display clear signs at the entrance that any person who enters the school may be subjected to a random search.
- 9.2 Any person who contravenes these provisions must be removed from the public school premises and may be charged in terms of the applicable legislation.

10. Review

This policy must be reviewed when the need arises or in the case of changed circumstances such as pronouncements by legislation and/or regulations and budgetary constraints.